



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
9721 Executive Center Drive  
St. Petersburg, FL 33702

SEP 19 1999

F/SERx2:JEB

MEMORANDUM FOR: F- Penelope Dalton

FROM: F/SE- William T. Hogarth *W. T. Hogarth*

SUBJECT: Determination of a Commercial Fishery Failure Due to a  
Fishery Resource Disaster Under Section 312(a) of the  
Magnuson-Stevens Fishery Conservation and Management Act -  
DECISION MEMORANDUM

I request that you make a determination, under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), finding that the white shrimp fishery, the crab fisheries, the oyster and scallop fisheries, the inshore flounder fishery, and the snapper/grouper fishery of North Carolina suffered commercial fisheries failures in September 1999 due to fishery resource disasters. These disasters resulted from the impacts of Hurricanes Dennis and Floyd. Such a determination would authorize the Secretary of Commerce (Secretary) to provide funds appropriated for this purpose to the affected states to assess the economic and social effects of the commercial fishery failure or to support any activity that would restore the fisheries or prevent a similar failure and to assist such fishing communities and fisheries affected by the failure.

In the event that disaster relief funding is provided, the National Marine Fisheries Service will continue to cooperate with the states to insure that the distribution of these funds is consistent with the conditions specified in the Magnuson-Stevens Act.

#### BACKGROUND AND NEED FOR ACTION

Between September 5 and September 16, 1999 the State of North Carolina was impacted directly by Hurricane Dennis and then Hurricane Floyd. Both storms caused significant physical damage to the nearshore marine environment and caused a severe decrease in salinity and temperature in coastal waters from torrential rains. The North Carolina Division of Marine Fisheries contacted the NMFS Southeast Regional Office seeking a fishery resource disaster declaration from the Secretary and financial assistance pursuant to Section 312(a) of the Magnuson-Stevens Act. Before making any disaster relief funds available under the authority of Section 312(a) the Secretary must determine that:

- A fishery resource disaster resulted from either natural causes, made-made causes beyond the control of fishery managers, or undetermined causes, and if so,
- A Commercial fishery failure occurred due to the fishery resource disaster.



### Determination of fishery resource disasters

Based upon historic data on landings the North Carolina Division of Marine Fisheries provided the following information. The white shrimp fishery will lose approximately 4.5 million pounds of shrimp from displacement or death due to low salinities and lower temperatures. The blue crab fishery will lose about 3 million pounds of crabs due to death or displacement from low salinity. In addition, approximately 80,000 crab traps valued at \$2 million were destroyed or lost during the storms. An estimated 100,000 bushels of oysters and scallops will be lost because beds were destroyed or silted over from intense wave action. The inshore flounder fishery will lose up to 75,000 pound of flounder due to flounder displacement from low salinity waters. It is estimated that the commercial snapper/grouper fishery will lose 550,000 pounds of snapper and grouper due to these species moving out of nearshore waters where the salinity is greatly reduced. And due to the closure of numerous inlets and displacement of target species, it is estimated the headboat and charterboat operators will lose approximately 1500 trips (10 trips per boat for 150 boats).

Pollution from the coastal runoff and flooding is very likely to impact the shellfish beds not already damaged or destroyed by the storms.

### Determination of the cause of the fishery resource disasters?

Hurricanes Dennis lashed the North Carolina coast for several days before making landfall near Cape Hatteras on September 5, 1999. Hurricane Dennis dumped 16 to 18 inches of rain on coastal areas of North Carolina and up to 75 miles inland. Hurricane Floyd, a strong Category 4 storm packing 135 mile an hour winds, struck North Carolina on September 15, 1999 between Wilmington and Topsail Island. Up to 24 inches of rain fell in the path of this hurricane and high winds and rain affected the state more than 100 miles inland. The high winds from both storms caused a large surge and violent breaking waves in the nearshore area. The intense rainfall caused the salinity of marine waters to approach zero. The effects of the hurricanes continues as flooding from rains further inland moves to the coastal areas. This flooding is the worst on record for the State of North Carolina. The effects from the heavy rains and flooding can be detected up to 4 miles off shore at the present time.

### Determination of a commercial fishery failure

Commercial fishery failures occurred as the result severe losses in several fisheries from the effects of Hurricanes Dennis and Floyd. The losses included 4.5 million pounds of white shrimp with the value of \$8 million, \$3 million in lost revenue from the death or displacement of 3 million pounds of blue crab, \$2 million worth of crab traps, 100,000 bushels of oysters and scallops valued at \$2.5 million, 75,000 pounds of flounder worth \$1.5 million, 550,000 pounds of snapper and grouper valued at \$500,000 and 1500 charter boat trips worth \$1.5 million. The loss of more than \$19 million in commercial value constitutes a commercial fishery failure.

## RECOMMENDATION

I recommend you make the determination under Section 312(a) of the Magnuson-Stevens Act that physical damage to the nearshore marine environment and a large and sustained influx of freshwater, resulting in the significant reduction in salinity and temperature of coastal waters, brought about by Hurricanes Dennis and Floyd caused fishery resource disasters in the white shrimp fishery, the crab fisheries, the oyster and scallop fisheries, the inshore flounder fishery, and the snapper/grouper fishery of North Carolina. If you concur, I recommend that you sign the attached declaration.

1. I concur Penelope D Dalton 9/20/99  
Date

2. I do not concur \_\_\_\_\_  
Date

Attachment